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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/058,577         | 01/28/2002          | Terrence Buelna       | 506512001220           |

CONFIRMATION NO. 5090

## FORMALITIES LETTER



\*OC000000007504449\*

Cameron King  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482

RECEIVED

FEB 25 2002

MORRISON &amp; FOERSTER

Date Mailed: 02/20/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/09/2002 YPOLITE1 00000002 031952 10058577

01 FC:205

65.00 CH



PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

25 + 21  
Refs.

Application Number

10/058,577

Filing Date

January 28, 2002

First Named Inventor

Terrence BUELNA

Group Art Unit

3763

Examiner Name

To Be Assigned

Attorney Docket No.

506512001220

**ENCLOSURES (check all that apply)**

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (1 page in duplicate)                   | <input type="checkbox"/> Assignment Papers (for an Application)  | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply   | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations   | <input type="checkbox"/> Petition to Convert to a Provisional Application                                    | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request   | <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (3 pages) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer   | Supplemental Application Data Sheet (3 pages)  |
| <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)                   | <input type="checkbox"/> Request for Refund  | Statement Under 37 CFR 3.73(b) (1 page)  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                  | <input type="checkbox"/> CD, Number of CD(s) _____   | Copy of Assignment (3 pages)   |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application            |  | 2 Declarations (2 pages each, total 4 pages)   |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (1 page) |  | Form PTO-1449 (2 pages in duplicate, total 4 pages)  |
|  |  | 21 cited references  |
|  |  | Return receipt postcard  |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Morrison &amp; Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018

or

Individual Name

Kelvan Patrick Howard, Reg. No. P48,999

Signature

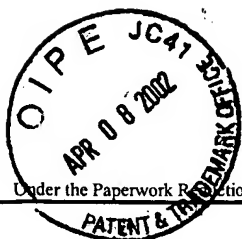
Date

April 2, 2002

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 2, 2002.

  
Martina Placid



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PTO/SB/96 (08-00)  
Approved for us through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Terrence BUELNA et al.

Application No./Patent No.: 10/058,577

Filed/Issue Date: January 28, 2002

Entitled: ANASTOMOSIS OCCLUSION DEVICE

Novare Surgical Systems, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

18 MARCH 02  
Date

Kermit Pope, Jr.  
Typed or Printed Name  
[Signature]  
Signature  
President and CEO  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: 506512001220

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# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/058,577       |
| Filing Date          | January 28, 2002 |
| First Named Inventor | Terrence BUELNA  |
| Examiner Name        | To Be Assigned   |
| Group Art Unit       | 3763             |
| Attorney Docket No.  | 506512001220     |

TOTAL AMOUNT OF PAYMENT

(\$65.00)

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952  
Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101            | 740             | 201            | 370             | Utility filing fee     |          |
| 106            | 330             | 206            | 165             | Design filing fee      |          |
| 107            | 510             | 207            | 255             | Plant filing fee       |          |
| 108            | 740             | 208            | 370             | Reissue filing fee     |          |
| 114            | 160             | 214            | 80              | Provisional filing fee |          |

SUBTOTAL (1) (\$0)

## 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 42                 | - 42 = 0     | x 9 = \$0      |          |
| Independent Claims | 6 - 6 = 0    | x 42 = \$0     |          |
| Multiple Dependent |              | x 140 = \$0    |          |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 103            | 18              | 203            | 9               | Claims in excess of 20                                    |          |
| 102            | 84              | 202            | 42              | Independent claims in excess of 3                         |          |
| 104            | 280             | 204            | 140             | Multiple dependent claims, if not paid                    |          |
| 109            | 84              | 209            | 42              | **Reissue independent claims over original patent         |          |
| 110            | 18              | 210            | 9               | **Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$0)

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105            | 130             | 205            | 65              | Surcharge - late filing fee or oath  | 65       |
| 127            | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet                       |          |
| 139            | 130             | 139            | 130             | Non-English specification  |          |
| 147            | 2,520           | 147            | 2,520           | For filing a request for ex parte reexamination                              |          |
| 112            | 920*            | 112            | 920*            | Requesting publication of SIR prior to Examiner action                       |          |
| 113            | 1,840*          | 113            | 1,840*          | Requesting publication of SIR after Examiner action                          |          |
| 115            | 110             | 215            | 55              | Extension for reply within first month                                       |          |
| 116            | 400             | 216            | 200             | Extension for reply within second month                                      |          |
| 117            | 920             | 217            | 460             | Extension for reply within third month                                       |          |
| 118            | 1,440           | 218            | 720             | Extension for reply within fourth month                                      |          |
| 128            | 1,960           | 228            | 980             | Extension for reply within fifth month                                       |          |
| 119            | 320             | 219            | 160             | Notice of Appeal   |          |
| 120            | 320             | 220            | 160             | Filing a brief in support of an appeal                                       |          |
| 121            | 280             | 221            | 140             | Request for oral hearing   |          |
| 138            | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                                |          |
| 140            | 110             | 240            | 55              | Petition to revive - unavoidable   |          |
| 141            | 1,280           | 241            | 640             | Petition to revive - unintentional   |          |
| 142            | 1,280           | 242            | 640             | Utility issue fee (or reissue)   |          |
| 143            | 460             | 243            | 230             | Design issue fee   |          |
| 144            | 620             | 244            | 310             | Plant issue fee  |          |
| 122            | 130             | 122            | 130             | Petitions of the Commissioner  |          |
| 123            | 50              | 123            | 50              | Petitions related to provisional applications                                |          |
| 126            | 180             | 126            | 180             | Submission of Information Disclosure Stmt                                    |          |
| 581            | 40              | 581            | 40              | Recording each patent assignment per properties (times number of properties) |          |
| 146            | 740             | 246            | 370             | Filing a submission after final rejection (37 CFR § 1.129(a))                |          |
| 149            | 740             | 249            | 370             | For each additional invention to be examined (37 CFR § 1.129(b))             |          |
| 179            | 740             | 279            | 370             | Request for Continued Examination (RCE)                                      |          |
| 169            | 900             | 169            | 900             | Request for expedited examination of a design application                    |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$65)

## SUBMITTED BY

Name (Print/Type)

Kelvan Patrick Howard

Registration No.  
(Attorney/Agent)

P48,999

## Complete (if applicable)

Telephone

(650) 813-5909

Signature

Date

April 2, 2002

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